

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

CARRIE GREEN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-09-1338-D
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

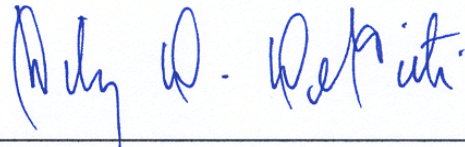
Before the Court is Plaintiff's Application for Award of Attorney Fees [Doc. No. 24], filed pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. Plaintiff seeks an award of fees in the amount of \$3,681.00 for legal services provided by her attorney (19.05 hours) and a paralegal (4.65 hours) in the case. Plaintiff is the prevailing party in this action under 42 U.S.C. § 405(g) by virtue of the Judgment and Order of Remand entered September 20, 2010. The Commissioner has responded to the Application by stating he has no objection to the requested amount or to an award payable to Plaintiff, consistent with *Astrue v. Ratliff*, 130 S. Ct. 2521, 2529 (2010), and *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

After consideration of the law, the record, and the arguments of the parties, the Court finds: (1) the Commissioner's position in the case was not substantially justified; (2) Plaintiff is entitled to an award of attorney fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d); (3) the amount of attorney fees requested is reasonable; and (4) the award must be made payable to Plaintiff pursuant to *Ratliff* and *Manning*.

IT IS THEREFORE ORDERED that Plaintiff's Application is GRANTED. The Court orders an award of attorney fees to Plaintiff pursuant to the Equal Access to Justice Act in the

amount of \$3,681.00. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorney shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 22<sup>nd</sup> day of December, 2010.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE